



# CITY OF PORTLAND ENVIRONMENTAL SERVICES



Water Pollution Control Laboratory

6543 N. Burlington Avenue, Bldg 217, Portland, Oregon 97203 ■ Nick Fish, Commissioner ■ Dean Marriott, Director

October 15, 2013

USDOD; US Army Corps of Engineers  
Art Leskowich  
8010 NW St. Helens Rd  
Portland, OR 97210

RE: **Notice of Non-Compliance-**  
**Failure to meet Tier 1 Corrective Action Reporting Requirements- *Schedule A.10.a***  
US DOD: US Army Corps of Engineers, DEQ File # 108394

Dear Mr. Leskowich:

Tier 1 corrective action response report(s) are required to be prepared in response to exceedances of a statewide benchmark, sector specific benchmark or reference concentration for impairment pollutant identified in the permit assignment letter per *Schedule A.10.a*. Please note deficiencies, as described below:

***Schedule A.10.a:*** The Tier 1 corrective action response must be prepared within 30 calendar days of obtaining the monitoring results. US Army Corps of Engineers prepared a Tier 1 corrective action response **LATE** for the exceedances. Specifically, the report was prepared on 02/28/13, and sample results were received on 01/11/13. The report was prepared following the meeting that occurred on 02/27/13.

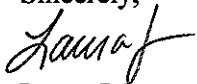
***Schedule A.10.a.iii:*** The Tier 1 report must summarize the results of the investigation of the cause of the exceedances, corrective actions taken or to be taken, including the date the corrective action was completed or expected to be completed, and describe whether SWPCP revisions are necessary. If it is determined that corrective actions are not necessary, the basis for this determination must be provided. US Army Corps of Engineers prepared a Tier 1 corrective action for the exceedances that occurred on 05/16/2013 which **does not meet the minimum requirements** as listed in the permit. The results of the review are:

1. Results of the investigation: The Tier 1 report does not include results of an investigation of the cause of elevated pollutants for outfall B.
2. Corrective actions completed and/or proposed: The Tier 1 report does not address iron. The report does not provide a timeframe for completion of specific corrective actions.
3. Documentation of SWPCP revisions (if necessary):

US Army Corps of Engineers has violated this condition of the permit **two** times in the last three years US Army Corps of Engineers was notified of this permit requirement in multiple email correspondences dated 08/15/13, 06/24/13 and 04/25/13. Future violations of *Schedule A.10.a* of the permit may result in escalating enforcement actions.

If you have any questions regarding this letter or your permit requirements, you may contact me at (503) 823-7192.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura Johnson".

Laura Johnson

Industrial Stormwater Program